

HON'BLE SRI JUSTICE C.V. RAMULU

WRIT PETITION No.15614 of 2003

Date: 13-07-2006

Between :

R. Hemanth Kumar

... Petitioner/s

and

Inspector of Police, Range-II,
Anti Corruption Bureau,
Nellore Range,
Nellore District and others.

...Respondent/s

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ORDER:

This writ petition is filed seeking a Writ of Mandamus declaring the letter No.A2/No/362M, dated 27-6-2003 as arbitrary and illegal, and consequently to direct the second respondent to pay the amounts due to the petitioner under LS Agreement No.21DN/2002-03, dated 1-7-2002 for the execution of the work relating to providing protection arrangements to left bank of Kavali canal as arbitrary and illegal.

There is no necessity of going into all the details. It suffices to notice that the impugned letter dated 27-6-2003 has been issued by the Executive Engineer, S.P. Division No.II, Dargamitta, Nellore District, to the petitioner herein, wherein it is stated that the Anti-Corruption Bureau (ACB) authorities have informed their office to stop payments in respect of the works executed at Bodagudipadu village and also E.M.D., A.S.D. and other deposits, and in view of the said instructions, it is not possible for him to pay further outstanding amounts relating to the above work until further instructions from the ACB authorities.

It seems, the father of the petitioner, who was working as Deputy Executive Engineer, involved in ACB case. Therefore, a letter has been addressed by the ACB authorities to the Executive Engineer to stop the payment of the bills of the petitioner. The relevancy of such letter has not been disclosed. It is unfortunate that such a letter written by the ACB authorities has taken to be a gospel truth and as if it is binding on the

Executive Engineer, the payments to the petitioner were stopped. For any offence or illegality committed by the father, the son cannot be made responsible and punished. Since the work executed by the petitioner/son as a Contractor is in no way related or traceable to the conduct of the father against whom an ACB case is booked, the impugned order passed by the respondents is nothing but arbitrary and high handedness and deserves to be deprecated. Therefore, the impugned orders passed by the respondents, denying payment of the amounts due to the petitioner under the contract, cannot be sustained.

The impugned order is accordingly set aside. The respondents are directed to settle the bills of the petitioner forthwith as per law.

The writ petition is accordingly disposed of. No order as to costs.

(C.V. RAMULU, J)

13-07-2006.
Msr.

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